



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
RAFAEL M. PANTOJA,  
Plaintiff,

v.

BANCO POPULAR and AMERICAN SAFETY  
INSURANCE COMPANY,  
Defendants.  
-----X

**ORDER**

11 CV 3636 (VB)

Pending before the Court is plaintiff's motion for reconsideration of the Court's Memorandum Decision dated August 9, 2012, which granted defendants' motions to dismiss the amended complaint and denied plaintiff's motion for leave to amend the amended complaint. (Doc. #57).

Plaintiff's motion does not demonstrate an intervening change in the law, the availability of new evidence, or the need to correct clear error or prevent manifest injustice. Having carefully reviewed plaintiff's motion, the Court concludes that it has not overlooked facts properly before the Court or controlling precedent, and that the original decision was neither clearly erroneous nor manifestly unjust. To the contrary, the Court believes its original decision was correct on the facts and the law.

Accordingly, the motion for reconsideration is DENIED.

The clerk is instructed to terminate the motion. (Doc. #57).

Dated: October 16, 2012  
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read "Vincent L. Briccetti".

Vincent L. Briccetti  
United States District Judge